

NOV 03 2005

Simmons, Perrine, Albright & Ellwood, P.L.C.**Attorneys and Counselors**

115 Third Street SE, Suite 1200
Cedar Rapids, Iowa 52401-1266
Office Telephone: (319) 366-7641
Fax: (319) 366-1917

Third Floor Tower Place
22 South Linn Street
Iowa City, Iowa 52240
Office Telephone: (319) 887-1368
Fax: (319) 887-1372

E-Mail Address: gwilliams@simmonsperine.com
Website: www.simmonsperine.com

Darrel A. Morf
James E. Shipman
Stephen J. Holtzman
Iris E. Muchmore
Gregory M. Ledtzer
James A. Gerk
Roger W. Stone
David A. Hacker
David W. Kubicek
Matthew J. Brandes
James M. Peters
Leonard L. Strand
Mark H. Ogden
Webb L. Wassmer
Mark A. Roberts
Chad M. VonKampen

Gregory G. Williams
Nicolas Abou-Assaly
Allison M. Heffern
Lynn W. Hartman
Kathleen A. Kleiman
Paul P. Morf
Philip A. Burtan
Christine L. Conover
David C. Kutcher
Michael F. Williams
Elizabeth V. Croco
Patsy A. Thammig
Jason M. Steffens
Lorrie Reins-Schwee
Lance R. Staker
Richard G. Hileman
Counsel

Haven Y. Simmons (1888-1975)
Beah T. Perrine (1902-1989)
William P. Ellwood (1909-1998)
Justin W. Albright (1908-2004)

REGISTERED PATENT
ATTORNEYS
Gregory G. Williams
Michael F. Williams

OF COUNSEL
James R. Snyder
Robert M. Jilek

RETIRED
John R. Carpenter

Also licensed to practice in: 1 Illinois 2 Wisconsin 3 Missouri

FACSIMILE INFORMATION SHEET

DATE: November 3, 2005

TIME:

RE: Application No: 00/682,323

Applicant: Matthew J. Poduska

CONFIDENTIALITY NOTICE: The information contained in this facsimile message and the documents accompanying this facsimile message are attorney privileged and confidential information intended only for the use of the individual or entity named below. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U. S. Postal Service. We will guarantee postage.

THE FOLLOWING PAGES ARE FOR
NAME OF INDIVIDUAL:

Examiner K. Dang

NAME OF FIRM/COMPANY:

USPTO - Group Art Unit 2111

FACSIMILE (FAX) NO.

571-273-8300

TRANSMITTING PARTY:

Gregory G. Williams

TOTAL NUMBER OF PAGES
(Including this Sheet):

18 PAGES

IF PROBLEMS WITH
TRANSMITTAL CONTACT:

MARIAN PALMERSHEIM

MESSAGE: Please enter the following Revised Appeal Brief pursuant to our telephone discussion on October 26, 2005.

Applicant: Matthew J. Poduska
Filing Date: August 20, 2001
Art Unit: 2111
Examiner: K. Dang
Attorney Docket No: 01P1511

PTO/SB/97 (09-04)

Approved for use through 07/31/2006, OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on November 3, 2005
Date


Signature

MARIAN PALMERSHEIM

Typed or printed name of person signing Certificate

Registration Number, if applicable

319-887-1368

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Fax cover sheet
Transmittal form
Revised Appeal Brief

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

NOV 03 2005

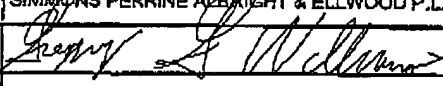
PTO/SB/21 (09-04)

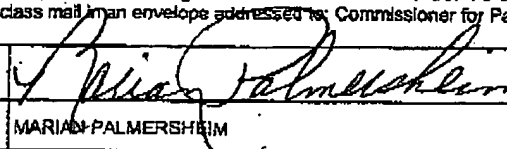
Approved for use through 07/31/2008. OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/882,323	
	Filing Date	August 20, 2001	
	First Named Inventor	Matthew J. Poduska	
	Art Unit	2111	
	Examiner Name	K. Dang	
Total Number of Pages in This Submission	18	Attorney Docket Number	01P1611

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	SIMMONS PERRINE ALBRECHT & ELLWOOD P.L.C.		
Signature			
Printed name	GREGORY G. WILLIAMS		
Date	NOVEMBER 3, 2005	Reg. No.	31,681

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	MARIA PALMERSHEIM	Date	NOVEMBER 3, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

In re Application of:
Matthew J. Poduska

Serial No:09/682,323

NOV 03 2005

For: METHOD AND SYSTEM FOR
PROVIDING INDEPENDENT
SERVER FUNCTIONALITY IN A
SINGLE PERSONAL COMPUTER

Filed: August 20, 2001

Group Art Unit:2111

Examiner: K. Dang

Attorney Docket: 01P1511

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING (37 C.F.R. 1.8)

I hereby certify that this correspondence is being
transmitted by facsimile transmission to the
Commissioner for Patents at fax number 571-273-
8300, on the date below.

November 3, 2005
Date


Marian Palmersheim

APPLICANT'S REVISED BRIEF ON APPEAL TO THE BOARD

Gregory G. Williams
Reg. No. 31,681
Simmons, Perrine, Albright & Ellwood, PLC
Third Floor Tower Place
22 South Linn Street
Iowa City, Iowa 52240
Telephone (319) 887-1368
Facsimile (319) 887-1372
ATTORNEY FOR APPLICANT

Table of Contents

REAL PARTY IN INTEREST	2
RELATED APPEALS AND INTERFERENCES	2
STATUS OF CLAIMS.....	2
STATUS OF AMENDMENTS	2
SUMMARY OF THE CLAIMED SUBJECT MATTER.....	3
GROUND OF REJECTIONS TO BE REVIEWED ON APPEAL.....	4
ARGUMENT	4
CLAIMS APPENDIX.....	9
EVIDENCE APPENDIX	12
RELATED PROCEEDINGS APPENDIX	13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

RECEIVED
CENTRAL FAX CENTER

NOV 03 2005

In re Application of:	§	Group Art Unit: 2111
	§	
Matthew J. Poduska	§	Examiner: K. Dang
	§	
Serial No: 09/682,323	§	Attorney Docket: 01P1511
	§	
Filed: August 20, 2001	§	SUBMITTED: November 3, 2005
	§	
For: METHOD AND SYSTEM FOR	§	
PROVIDING INDEPENDENT	§	
SERVER FUNCTIONALITY IN A	§	
SINGLE PERSONAL COMPUTER	§	

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

APPLICANT'S REVISED BRIEF ON APPEAL TO THE BOARD

This is an appeal from the final rejection of the Examiner dated September 19, 2005, rejecting all of the claims pending in the case. Per the instructions from Examiner Dang on 10-24-06, this Brief is not accompanied by any fee because the requisite fee set forth in §1.17(c) was paid at the time of submitting the original brief on January 10, 2005. This appeal was commenced with the filing of a Notice of Appeal on November 10, 2004, then an Applicant's Appeal Brief on January 10, 2005. After the Applicant's Appeal Brief was filed, the Examiner interjected a new ground of rejection via a new office

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

action. The Applicant has successfully addressed this rejection via an amendment to the specification, and the Examiner subsequently issued a final action, restating the earlier grounds for rejection and removing the new ground of rejection. This Appeal Brief is identical to the originally filed Brief other than this introductory paragraph, and the references herein to the date of the newer final office action. The table of contents has changed as well to accommodate new page numbers.

REAL PARTY IN INTEREST

The real party in interest in this appeal is the assignee, Crystal Group Inc.

RELATED APPEALS AND INTERFERENCES

The application on appeal is not subject to, or an element in, any other appeal or interference proceeding within the U.S. Patent and Trademark Office.

STATUS OF CLAIMS

Claims 1-11 are pending, have been finally rejected, and are all on appeal.

STATUS OF AMENDMENTS

No amendments to the claims or the specification have been filed subsequent to the final rejection dated September 19, 2005.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

SUMMARY OF THE CLAIMED SUBJECT MATTER

Without limiting the claims on appeal, the independent claims of the application are summarized below:

Independent Claim 1: A computer system which comprises: a chassis and a shroud and a plurality of circuit card receiving slots, a plurality of circuit cards in the slots where each provides an independent dedicated server function AND, THESE CARDS ARE NOT DIRECTLY CONNECTED TO ANY INTER-CARD BUS. The last four lines of page 4 of the specification state as follows:

“The only electrical connections with first industry standard expansion card having an independent dedicated server function 124, and second industry standard expansion card having an independent dedicated server function 126, is a power provisioning connection via shared power supply 110 and power distribution line 112.”

Independent Claim 11: Claim 11 is a method claim for providing computing functions comprising:

Providing a single source of power to a plurality of slots,

Providing a plurality of cards dedicated to a single server function;

Providing a DEDICATED COMMUNICATION LINE FOR EACH CARD;

AND

PROHIBITING DIRECT COMMUNICATION FROM THE CARDS TO A
BUS EXTENDING BETWEEN THE SLOTS;

Page 5 lines 1-6 state:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

“First industry standard expansion card having an independent dedicated server function 124 and second industry standard expansion card having an independent dedicated server function 126, communicate with the outside world and each other via dedicated external connections to first dedicated communication connector 134 and second dedicated communication connector 136 respectively.”

GROUND OF REJECTIONS TO BE REVIEWED ON APPEAL

Claims 1, 3, 4, 6, 7 and 11 have been finally rejected for anticipation under 35 U.S.C. §102(e) by the Asano reference.

Claims 2, 5, 8, 9 and 10 have been finally rejected under 35 U.S.C. §103(a) as being obvious in view of the Asano reference.

ARGUMENT

ANTICIPATION OF CLAIMS 1, 3, 4, 6, 7 under 35 U.S.C. §102(e) by the Asano reference.

The analysis of the Examiner's erred rejection begins with the claims as amended.

CLAIM 1

Claim 1, as presented on appeal, is easily distinguishable from the Asano reference. Claim 1 includes the following limitation:

“each of said plurality of planar shaped circuit cards being
configured so as to be free from any direct communication

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

connection with any inter-card bus inside said enclosure.”

(emphasis added)

Figure 1 of the Asano reference clearly shows that network interface processors 7(a) and 7(b) are coupled to the Host side PCI bus 1(b). There can be no doubt that this PCI bus is intended in Asano for more than just provisioning of power. In column 4, lines 50-60 of Asano, it states:

Note that the PCI buses are used in this embodiment, but the present invention is not necessarily limited to the use of PCI buses and other buses such as VME (Versa Module Europe) buses may be used instead. Also, the PCI bus of the host machine may be further connected with other devices such as network controller board and SCSI board. In addition, the Ethernet is used as a network in this embodiment, but similarly the other network such as those of ATM (Asynchronous Transfer Mode) and FDDI (Fiber Distributed Data Interface) may be used instead.

Since the network cards 7a and 7b of Asano are coupled through the PCI bus, the Examiner errs when saying Asano is FREE FROM any direction connection with an inter-card bus.

The anticipation rejection of claims 1, 3, 4, 6 and 7 should be overturned.

**ANTICIPATION REJECTION OF CLAIM 11 BASED UPON THE ASANO
REFERENCE**

Claim 11 includes the following limitations:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

“prohibiting direct communication from said first industry standard expansion card to a bus extending between said plurality of industry standard expansion slots; and,

prohibiting direct communication from said second industry standard expansion card to a bus extending between said plurality of industry standard expansion slots. (emphasis added)

The Examiner gives short shrift to claim 11 before summarily rejecting it. The Examiner merely states on the bottom of page 3 of the office action dated 2/26/04:

“With regard to claim 11, it is clear that one practicing the device of Asano et al. (see discussion above) would have performed the same steps set forth in claim 11.”

The Examiner never even mentioned the limitations of claims.

If the Examiner had examined the limitations in Claim 11, the Examiner would have found the above limitations relating to PROHIBITTING DIRECT COMMUNICATION BETWEEN THE CARDS AND A BUS EXTENDING BETWEEN THE SLOTS.

There can be no dispute that the Asano reference teaches away from these limitations. Again, when Asano specifically calls the bus 1b as a PCI bus and when Asano discusses alternatives to the PCI bus, it states in the excerpt above from Column 4 that full communication is contemplated.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

Clearly when the alternatives to the PCI bus all provide full data transfer and network ability, there is no doubt that they are not PROHIBITING DIRECT COMMUNICATION...with a bus extending between the cards.

THE OBVIOUSNESS REJECTION OF CLAIMS 2, 5, 8, 9 AND 10

The Examiner rejected the remaining claims under 35 U.S.C. §103(a) as being unpatentable over the Asano reference alone. No other prior art was cited in support of these rejections.

The Applicant repeats the arguments above with respect to claims 1, 3, 4, 6 and 7 with respect to the claims rejected for obviousness. Since these claims all add additional limitations to claim 1, there need be no further discussion with respect to the lack of teaching in Asano with respect to claim 1. Additionally, since Asano teaches a need for a direct connection with an inter-card bus, and further teaches that the alternative to the PCI bus all have direct connections, then this clearly constitutes a teaching away from the claimed invention.

The obviousness rejections should all be overturned.

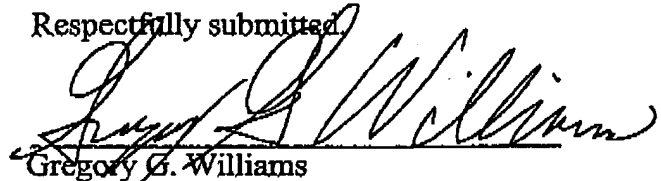
The Applicants respectfully request that the rejection of all the pending claims be reversed and that the application, as amended, be allowed.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

November 3, 2005

Date

Respectfully submitted,



Gregory G. Williams

Reg. No. 31,681

Simmons, Perrine, Albright & Ellwood, PLC

Third Floor Tower Place

22 South Linn Street

Iowa City, Iowa 52240

Telephone (319) 887-1368

Facsimile (319) 887-1372

ATTORNEY FOR APPLICANT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

CLAIMS APPENDIX

Claim 1. A computer system comprising:

a chassis, having a plurality of slots thereon each configured for receiving one of a plurality of planar shaped circuit cards therein;

a shroud coupled to said chassis to form an enclosure about said plurality of planar shaped circuit cards;

said plurality of planar shaped circuit cards each configured for providing an independent dedicated server function; and,

each of said plurality of planar shaped circuit cards being configured so as to be free from any direct communication connection with any inter-card bus inside said enclosure.

Claim 2. A system of claim 1 wherein said plurality of planar shaped circuit cards comprises a first card providing an email server function; a second card providing a web server function; and a third card providing a file storage function.

Claim 3. A system of claim 1 wherein power is provided to said plurality of planar shaped circuit cards by a sole power supply.

Claim 4. A system of claim 1 wherein said plurality of slots comprises a plurality of industry standard slots, each of which is configured for mechanical and electrical cooperation with one of said plurality of planar shaped circuit cards via an industry standard expansion slot.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

Claim 5. A system of claim 4 wherein said plurality of industry standard slots are ISA slots.

Claim 6. A system of claim 4 wherein said plurality of industry standard slots are PCI slots.

Claim 7. A system of claim 4 wherein said industry standard expansion slot includes a plurality of traces, all of which, except for those traces dedicated to provision of power, are unused by said plurality of planar shaped circuit cards.

Claim 8. A system of claim 7 wherein said plurality of planar shaped circuit cards comprises a first card providing an email server function; a second card providing a web server function; and a third card providing a file storage function.

Claim 9. A system of claim 8 wherein power is provided to said plurality of planar shaped circuit cards by a sole power supply.

Claim 10. A system of claim 9 wherein said plurality of industry standard slots are PCI slots.

Claim 11. A method of providing computing functions comprising:
providing a chassis having a power supply and a plurality of industry standard expansion slots;

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

providing a first industry standard expansion card, which is dedicated to providing a first single server function;

providing a second industry standard expansion card, which is dedicated to providing a second single server function;

providing a single common source of power for said first industry standard expansion card and said second industry standard expansion card;

providing a dedicated communication line from said first industry standard expansion card to an external connector;

providing a dedicated communication line from said second industry standard expansion card to an external connector;

prohibiting direct communication from said first industry standard expansion card to a bus extending between said plurality of industry standard expansion slots; and,

prohibiting direct communication from said second industry standard expansion card to a bus extending between said plurality of industry standard expansion slots.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES**

EVIDENCE APPENDIX

There is no evidence associated with this appeal.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES**

RELATED PROCEEDINGS APPENDIX

There are no related proceedings associated with this appeal.